IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3006 OF 2002

Smt.Ambili Kumar Das..... ..... Petitioner.

Versus

The State of Maharashtra & Ors..... Respondents.

Mr. N.K.Desai for the Petitioner.

Mr. C.R.Sonawane, AGP for Respondents.

CORAM : S. C.DHARMADHIKARI, J.

DATED : 20TH DECEMBER, 2004.

P.C.:

Heard learned Counsel for the Petitioner and the learned Asstt. Government Pleader for the Respondents.

2. Petitioner is admittedly in hotel business. She is partner of Vilas Restaurant and Bar. It is her contention that while running her hotel business and catering to the customers by way of ancillary activity, she has introduced dance on the recorded music for some time in the evening. The Petitioner contends that no fees or money are collected or intended to be collected. The contention is that this

is not a performance for public amusement as people enter the restaurant with the dominant intention of consuming food articles and drinks. Hence, the insistence of the Authorities in obtaining a performance licence for conducting the activity "record dance" at her Bar and Restaurant is illegal and is, therefore, required to be quashed and set aside.

3. The grounds raised in this petition are covered by not only a decision of the single Judge of this Court in Writ Petition No. 9632 of 2003 decided on 19th January, 2004 but also a Division Bench to which I was a party. The Division Bench has held that the rules have been amended and it is necessary for persons like Petitioner to obtain a performance licence under Rule 116 of the relevant Rules. Therefore, there is no substance in the challenge to the action.

4. Learned Counsel appearing for the Petitioner, at this stage, invites my attention to an application made on 22nd February, 2002 to the Commissioner of Police (Theatre Branch), Brihan Mumbai. The Petitioner applied by this application for issuance or grant of performance licence. Needless to observe that, if, such an application is pending, the

Authority shall decide the same as expeditiously as possible and in any event within 12 weeks from today.

5. The writ petition is, therefore, dismissed with the direction as above. Ad-interim order granted by this Court is vacated.

6. All concerned to act on an ordinary copy of this order duly authenticated as true copy.

Sd/-

(S. C. DHARMADHIKARI,J.)